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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,359	11/30/2001	Matthew D. Stringer	01238	3481

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EXAMINER	
CHIN SHUE, ALVIN C	

ART UNIT	PAPER NUMBER
3634	

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,359	STRINGER, MATTHEW D.	
	Examiner	Art Unit	
	Alvin C. Chin-Shue	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,6-22 and 24-75* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *21,47-61 and 66-69* is/are allowed.

6)☒ Claim(s) *1,3,-20,22,24-46,62-65,70-75* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,3,6-20,22,24-46,62-65 and 70-75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Is the "the securing means and the nonthreaded locking means" separate elements as suggested, in claim 1, lines 15 and 18? In claim 1, line 10 stated that they are the same element. Claims 6 and 7 are indefinite as they depend from a canceled claim 5. Is the engagement section, as set forth in claims 26 and 27 a different element form the engagement means, as set forth in claim 22, as suggested? Is the nonthreaded locking member and the nonthreaded locking means different elements as suggested in claims 22 and 34?

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3,8,13-20,22,24-29,41-44,62-65 and 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyse in view of Brown. Wyse shows the claimed device with the exception of the claimed locking means. Brown shows a locking means having an engaging means 32,34, and an engagement means 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wyse to comprise a locking means as claimed to frustrate unlocking of the securing means.

Claims 1,3,8,13-20,22,24-2941-44,62-65 and 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyse in view of Brown and Smith. Wyse shows the claimed device with the exception of the claimed locking means and the centered handle. Brown shows a locking means. Smith shows a handle with an offset portion at 14 adjacent to the securing means 12 to facilitate holding. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wyse to comprise a locking means as claimed to frustrate unlocking of the securing means and a handle shaped as claimed to facilitate the gripping of the handle.

Claims 9,10,30,31,57,73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wyse and Brown, or Wyse, Brown, and

Smith, as applied to claim 8 above, and further in view of Weiland. Weiland shows a spring 22 to facilitate outward movement of his securing means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Wyse with a spring to facilitate outward movement of his securing means against the bias of his first spring.

Claims 11,12,32-40,45,46 and 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wyse, Brown, and Weiland, or Wyse, Brown, Smith, and Weiland as applied to claim 10 above, and further in view of Emmertt. Emmertt shows a pin 12 as a spring abutment means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pin, in lieu of means 19 as taught by Weiland, as an abutment means for the first and second springs.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Wyse and Brown or Wyse, Brown and Smith, as applied to claim 19 above, and further in view of Swiderski. Swiderski shows guide rail sockets 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wyse to comprise guide rail sockets, as taught be Swiderski, to facilitate the attachment of guide rails to his scaffold.

Claims 21,47-61 and 66-69 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alvin C. Chin-Shue
Primary Examiner
Art Unit 3634

ACS